



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF LABOR
45 COMMERCE CENTER DRIVE, P.O. BOX 259
AUGUSTA, MAINE
04333-0259

LAURA A. FORTMAN
COMMISSIONER

April 7, 2009

Division of Workforce System Support
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4231
Washington, DC 20210

ATTN: Janet Sten

Dear Ms. Sten:

The State of Maine's Strategic State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act will expire on June 30, 2009. In accordance with TEGL No. 14-08, the Maine Jobs Council is requesting that the U.S. Department of Labor extend the life of the existing Maine WIA/Wagner-Peyser Act State Plan into Program Year 2009. The Maine Jobs Council will provide follow up to this request and submit a more detailed WIA Plan Modification by June 30, 2009 to include the state's response to

WIA/Wagner-Peyser Performance Goals for PY 2009

Given the complexity of Maine's economy and the economic downturn that all states are experiencing, Maine's four Local Workforce Boards are concerned that their service providers will continue to under perform against some of the previously negotiated WIA and Wagner-Peyser performance measures. We have completed a detailed analysis of the impact that the state's economy is having on their respective regions ability to achieve successful placement and retention outcomes for WIA Adults, Dislocated Workers and Older Youth and the same for Wagner-Peyser job seekers. The statewide rise of the unemployment rate which is triggered by considerable mass layoffs and plant closings is adversely affecting short term reemployment prospects for many Maine workers. For those who find jobs many are faced with the prospects that they will likely be unemployed again as the economy continues to decline and the number of affected industries and jobs expands. We know that this situation will have a severe and negative impact Maine's workforce system's ability to achieve a strong employment retention rate.

Attachment I is a proposal to reduce by five percent (5%), the entered employment rate and entered employment retention rate for WIA Adults, Dislocated Workers and Older Youth and Wagner-Peyser outcomes for the Program Year beginning July 1, 2009 though June 30, 2010. If this trend toward fewer placements and workers ability to retain employment is somehow reversed throughout the better part of next year, Maine is willing to renegotiate the rates on these measures.

PHONE: (207) 623-7900

TTY: 1-800-794-1110
EMAIL: Laura.A.Fortman@maine.gov

FAX: (207) 287-5292

The Maine Department of Labor provides equal opportunity in programs, services and employment.

Waiver Requests

The Maine Jobs Council and the Local Workforce Investment Boards are requesting the extension of one currently approved waiver and approval for three additional waivers for the WIA Youth Program:

Current Waiver Extension:

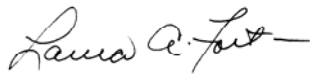
- Request an extension waiver to postpone the “Subsequent Eligibility of Training Providers (ETP)” requirement for “All Students” (Attachment II)

New Waiver Requests:

- Request to waive Procurement Requirements for the Youth Summer Jobs Program Providers under ARRA. (Attachment III)
- Request to waive WIA Performance Standards and use only the Work Readiness indicator for youth age 18 through 24 who participate in Work Experience outside the summer months under ARRA. (Attachment IV)
- Request to waive three Service Requirements for the Youth Summer Jobs Program under ARRA. (Attachment V)

If you have any further questions please contact Ned McCann, Director, Bureau of Employment Services or Stephen Duval, Division Director, Policy and Evaluation at 207-623-7981 or at Edmund.J.McCann@Maine.gov; Stephen.R.Duval@Maine.gov.

Sincerely,



Laura A. Fortman
Commissioner

LAF/srd
Attachments (5)

cc: Holly O'Brien, USDOL/ETA, Region I, Acting Regional Administrator
Tim Theberge, USDOL/ETA, Region I, Federal Project Officer



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STATE OF MAINE
DEPARTMENT OF LABOR
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ATTACHMENT I

LAURA A. FORTMAN
COMMISSIONER

April 10, 2009

To: Tim Theberge, Federal Project Officer
USDOL- ETA, Region I

From: Stephen Duval, Division Director, Policy and Evaluation
Maine Department of Labor

Subject: Request to Negotiate Program Year 2009 Performance Measures

In consultation with each of Maine's four Local Workforce Investment Boards, the Maine Department of Labor, Bureau of Employment Services is submitting this request to negotiate the Workforce Investment Act performance indicators for the Adult, Dislocated Worker and Older Youth Entered Employment and Employment Retention Rates for Program Year 2009. Using Program Year 2008 as our baseline, we are also requesting to lower the Entered Employment and Employment Retention Rates for Wagner-Peyser program participants. Maine is requesting approval for the following performance goals for Program Year 2009:

Adult	2008 Goal	2008 3rd Qtr Actual	2009 Goal (Requested)
Entered Employment Rate	87%	77%	82%
Employment Retention Rate	86%	85%	81%
Average Earnings	\$10,000	\$9,569	\$10,000
Employment and Credential Rate	68%	57%	68%
Dislocated Worker			
Entered Employment Rate	92%	84%	87%
Employment Retention Rate	95%	90%	90%
Average Earnings	\$12,000	\$12,690	\$12,000
Employment and Credential Rate	69%	63%	69%
Older Youth			
Entered Employment Rate	85%	74%	80%
Employment Retention Rate	83%	89%	78%
Earnings Change	\$4,000	\$4,797	\$4,000
Credential Rate	59%	52%	59%
Younger Youth			
Skill Attainment Rate	99%	85%	99%
Diploma or Equivalent Rate	66%	77%	66%
Retention Rate	69%	69%	69%

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Adult	2008 Goal	2008 3rd Qtr Actual	2009 Goal (Requested)
Customer Satisfaction			
Participant Satisfaction Score	80%	N/A	80%
Employer Satisfaction Score	76%	N/A	76%
Wagner-Peyser Performance			
Entered Employment Rate	66%	46%	56%
Employment Retention Rate	76%	56%	66%
Average Earnings	\$10,800	\$11,605	\$10,800

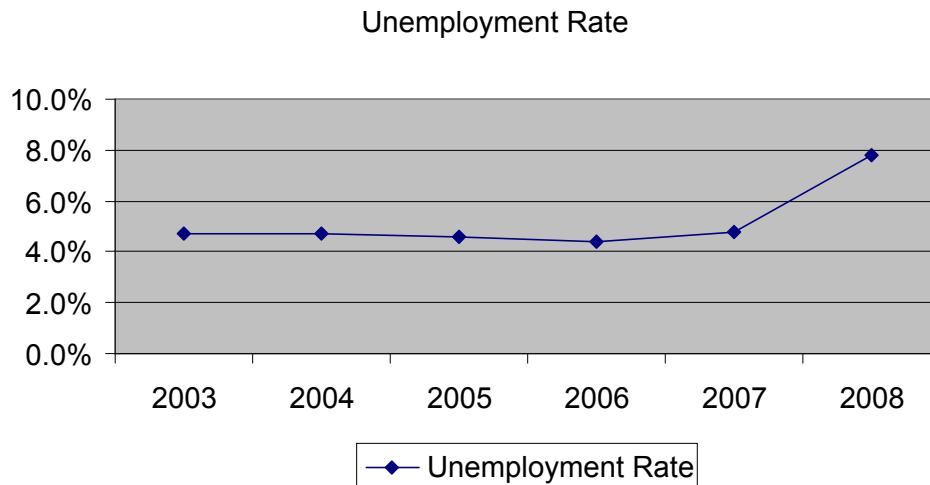
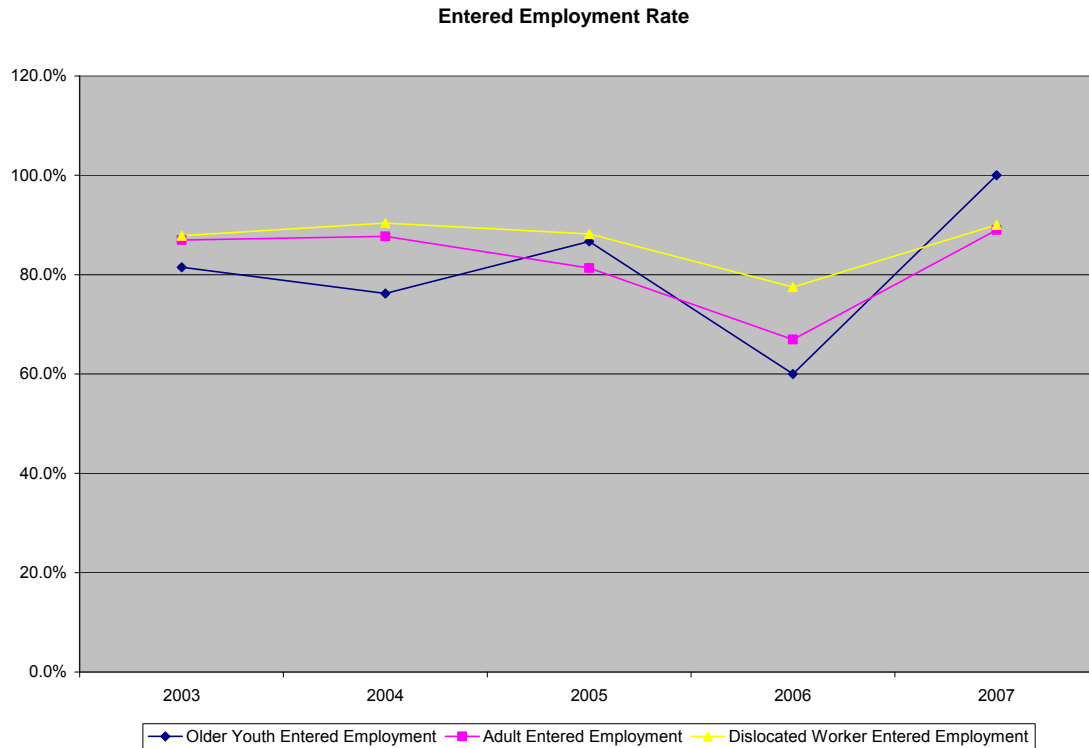
Maine, just as the rest of the nation, is losing jobs at a rate unprecedented over the past few decades. We anticipate that we have not yet reached the apex of job losses for this current economic downturn. As more and more workers compete in an increasing tight labor market and they are unable to hold on to the jobs they do find we believe it is reasonable to negotiate lower entered employment rates for adult, dislocated worker and older youth. An analysis completed for each of the four Local Workforce Investment Boards concluded that they can no longer sustain positive performance in the face of these conflicting variables.

Between January 2009 and February 2009 there was a net decline of 2,600 seasonally-adjusted nonfarm wage and salary jobs in Maine. Between February 2008 and February 2009, the number of seasonally-adjusted nonfarm wage and salary jobs fell 15,500¹. This number of dislocations greatly impacts performance for entered employment rates. It is going to take longer to achieve placements in this environment and the participants included in Program Year 2009 performance for this measure will be based on exits taken between 10/1/08 and 9/30/09, the same time frame that the economy began the sharp decline.

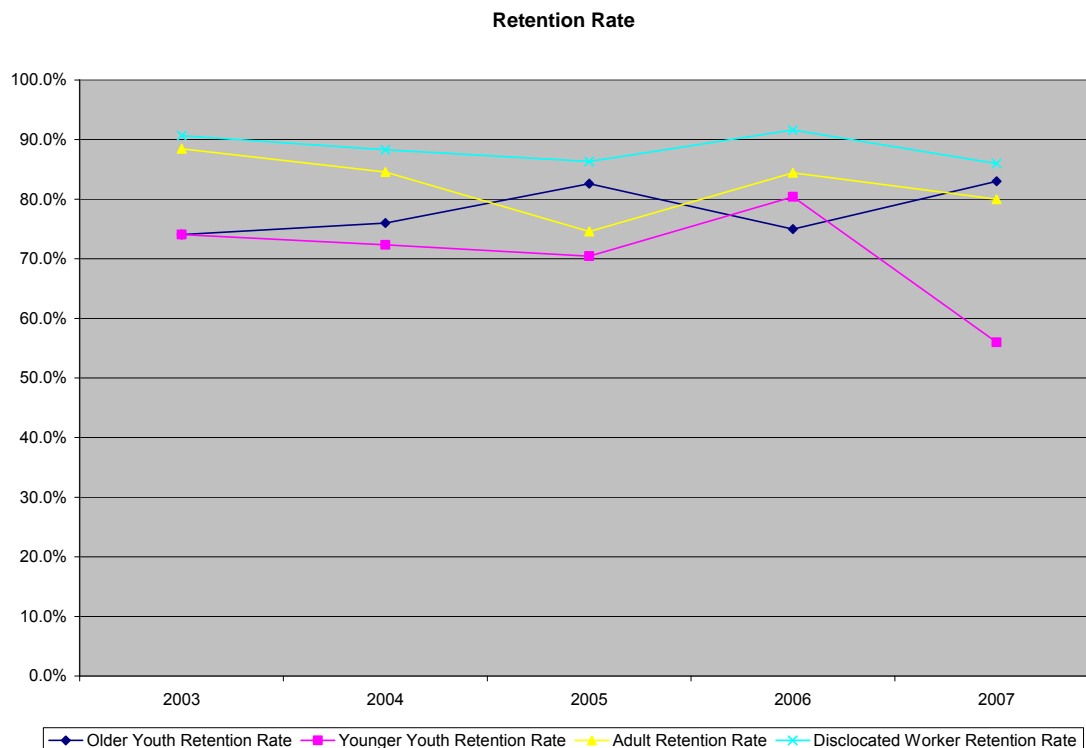
As the chart below² indicates, for the past several years as the unemployment rate has increased the entered employment rate goals set for Maine have also been increased. Continuing to increase the entered employment rate as the unemployment rate rises is conflicting and unrealistic, success of the program needs to be assessed with the current economic environment in mind.

¹ Press Release: Maine Unemployment Rate 8.0 Percent in February
March 26, 2009, Maine Department of Labor

² Unemployment rates were reported in the January of the Program Year (for example PY 2004, the unemployment rate was recorded for month of January 2005)



In addition to entered employment rates, the retention rates are also impacted by the economy. As the unemployment rate has risen for the majority of the last five program years so have the retention rate performance goals. Adult retention rate has been more responsive to changes in the economy whereas dislocated and older youth retention rates have steadily increased regardless of the also increasing unemployment rate.



The participants exited to employment between April 1, 2008 and March 31, 2009 will be included in retention rate performance measures for Program Year 2009. Participants placed in successful employment prior to the rise in unemployment may be faced with dislocation. Ideally these individuals will have skills to market from receiving services but they may still find themselves laid off with a longer turn around time to find employment impacting second and third quarters after exit data.

The American Recovery and Reinvestment Act (ARRA) is being implemented with the hope of creating jobs yet we continue to see a fast decline in job opportunities.

The number of affected applicants for the adult, dislocated worker and youth WIA programs is growing at a steady rate and the open job market is declining at the same time which will create a “bottleneck” of exiting WIA participants. We believe that WIA participants will take longer to exit the programs. For those who are able to secure employment the chances of “retaining” a job continually during the first, second and third quarter following exit becomes a gamble.

We hope that you will consider this request favorably and allow Maine’s workforce system to set performance goals that we believe are realistic and achievable within the context of the current economic realities.

Program Year 2009 WIA and W-P Performance Standards

WIA Performance Measures	Negotiated Goals Summary						
Adult	2006 Goal	2006 Actual	2007 Goal	2007 Actual	2008 Goal	2008 3 rd Qtr Actual	2009 Goal (Requested)
Entered Employment Rate	88%	72%	86%	76%	87%	77%	82%
Employment Retention Rate	86%	85%	85%	84%	86%	85%	81%
Average Earnings	\$9,400	\$9,701	\$9,800	\$9,709	\$10,000	\$9,569	\$10,000
Employment and Credential Rate	66%	55%	67%	65%	68%	57%	68%
Dislocated Worker							
Entered Employment Rate	90%	80%	91%	90%	92%	84%	87%
Employment Retention Rate	93%	88%	94%	84%	95%	90%	90%
Average Earnings	\$11,400	\$12,285	\$11,800	\$12,134	\$12,000	\$12,690	\$12,000
Employment and Credential Rate	67%	59%	68%	80%	69%	63%	69%
Older Youth							
Entered Employment Rate	82%	70%	84%	82%	85%	74%	80%
Employment Retention Rate	81%	71%	82%	90%	83%	89%	78%
Earnings Change	\$3,200	\$4,437	\$3,800	\$6,615	\$4,000	\$4,797	\$4,000
Credential Rate	57%	48%	58%	75%	59%	52%	59%
Younger Youth							
Skill Attainment Rate	98%	91%	98%	90%	99%	85%	99%
Diploma or Equivalent Rate	64%	60%	65%	100%	66%	77%	66%
Retention Rate	67%	60%	68%	69%	69%	69%	69%
Customer Satisfaction							
Participant Satisfaction Score	80%	79%	80%	75%	80%	N/A	80%
Employer Satisfaction Score	76%	76%	76%	79%	76%	N/A	76%
Wagner-Peyser Performance Measures	Negotiated Goals Summary						
Entered Employment Rate	72%	63%	65%	64%	66%	46%	56%
Employment Retention Rate	80%	81%	75%	83%	76%	56%	66%
Average Earnings	\$10,100	\$10,004	\$10,400	\$11,399	\$10,800	\$11,605	\$10,800

**Maine Dept. of Labor
Workforce Investment Act**

**Request to Waive
Implementation of Subsequent Eligibility of Training Providers**

The Maine Department of Labor, Bureau of Employment Services, the state administrative entity for the Workforce Investment Act is currently operating under an approved waiver to delay the application of “Subsequent Eligibility of Training Providers” requirement for all students expires on June 30, 2009. The state is requesting an extended waiver to postpone the application of “Subsequent Eligibility of Training Providers” requirements for “all students” until June 30, 2010.

The basis for this request is to allow Maine additional time to establish a statewide system for consistently and uniformly collecting performance information among all training providers. Despite that an aggressive effort has been underway since July 2001 to design a system that promotes the intent and spirit of WIA to provide informed customer choice and provider accountability, training providers are struggling to adopt uniform systems for collecting and reporting performance information for “all students”. In consultation with the state’s relatively small training provider community we are committed to fulfilling the requirements of the Act and will continue in accordance with Maine’s plan to implement a Subsequent Eligibility application, review and approval process.

This waiver request is being submitted in the format identified in WIA section 189(i)(4)(B) and WIA Regulations 661.420(c).

- A). Statutory Regulations to be Waived:** Workforce Investment Act (WIA) Section 122(c)(5) and WIA regulations 663.530 citing the provision that the time limit for initial eligibility may be waived for an additional year.
- B). Goals to be Achieved as a Result of the Waiver:** The goals to be achieved by the waiver are:
1. Improve efforts of data collection from training providers.
 2. Increase the amount and accuracy of WIA performance information for training providers by providing better technical assistance.
 3. Allow the CareerCenters more time to become more familiar with the Maine CareerCenter Consumer Report and Individual Training Account system.
 4. Continue to offer customer choice while working with the Department of Labor to identify possible revisions to this section of the Act.
- C). State or Local Statutory or Regulatory Barriers:** There are no existing state or local statutory or regulatory barriers to implementing this request.

- D). Description of the Waiver Goal and Programmatic Outcomes:** The purpose for requesting this waiver is to allow for the programs that are currently eligible to be available to CareerCenter customers who have been issued an Individual Training Account to get the skills training that they need. We are very concerned that a strict enforcement of Subsequent Eligibility guidelines would drastically reduce the limited number of training providers available to our customers.

Maine is a rural state consisting of four Local Workforce Investment Areas and 12 CareerCenter sites. Currently, the number of training providers that have been approved under the Initial Eligibility guidelines is 403. Collectively, these providers are approved for approximately 2,100 programs. Providers include all of Maine's community colleges, a significant number of public and private for profit schools, colleges and universities, Adult Education and Regional Vocational Education providers and non-profit community-based organizations.

The vast majority of providers do not have internal systems or capacity to produce the "all student" performance data in the specified timeframe to meet the re-certification requirements under Subsequent Eligibility. Moreover, for many of the programs that have been approved the data for the number of WIA supported students is grossly insufficient due to the timeframes that they received the training and the calculation of performance outcomes at exit. A complete list of eligible training providers is located at <http://198.182.162.220/mecrs/training.asp>.

The Maine Department of Labor has worked very closely with the four Local Workforce Investment Areas, the Center for Workforce Research and Information (formerly, the Division of Labor Market Information Services and the Department of Education) to market the concept of the Maine CareerCenter Consumer Report System. Throughout the past year we have met with representatives from most of the major educational institutions in the state. We have held several training provider local forums throughout the past year. In addition, the Bureau staff have spent most of the past year providing on-site technical assistance for providers. The Bureau is committed to continuing this work throughout the next program year.

Maine's experience with implementing the subsequent eligibility requirements of the Act mirrors that of most other states. During the series of regional provider forums held this year the concerns of the training providers were largely echoed throughout the state:

1. Maintenance and collection of the "all student" performance data prescribed by the Act will result in a level of financial and human

resource investment that does not come close to matching the return on investment.

2. The potential of violations of student privacy is not necessary protected under the Family Educational Rights Privacy Act.
3. Most public and private not-for-profit institutions are facing considerable budget issues and have been working on processes for streamlining student information gathering and record-keeping systems. The WIA requirements would necessitate adding a considerable amount of data collection and intrusive customer follow-up activity.
4. Many providers, including the adult and regional vocational education, technical college and university system offer non-credit course/programs that are usually the most appropriate for WIA supported student. The “all student” data collection requirements for these courses proves to be extremely cumbersome because students are only interested in obtaining the specific skill instruction and leaving the system.

We have listened to and emphasized with these legitimate concerns. At the same time, we fully support the spirit and intent of the Act to afford customer choice and to hold the system accountable for performance and outcomes. Granting this waiver request will provide Maine with the additional time necessary to work with the Department of Labor and the state’s training provider community to identify methods for collecting “substantially similar” performance indicators. In addition, we are committed to promoting and supporting initiatives that offers continued customer choice and system accountability through this waiver plan as follows:

1. Continue to promote the Maine CareerCenter Consumer Report system through an ongoing series of public meetings with training providers in an effort to increase the number of providers and programs that participate in the system (July 1, 2009 through June 30, 2010).
2. Provide training provider on-demand technical assistance to assist with navigating the internet-based application and subsequent performance reporting process. (Ongoing)
3. Continue working with the Center for Workforce Research and Information and training providers to develop an effective mechanism for gathering information and reporting data using the U.I. wage record system. (Ongoing).
4. Work collaboratively with the Local Workforce Investment Boards to develop a better understanding at the local CareerCenter level for utilizing the ITA process and Maine CareerCenter Consumer Report system through staff development and training (Ongoing)

- E). Description of Individuals Impacted by the Waiver:**
The waiver will positively impact all customers. Individual customers will continue to have choices in selecting training programs that meet their skill development needs. Employers will be assured that they are receiving a skilled and trained workforce. Local Workforce Boards will have an opportunity to evaluate effective measures of training provider performance. Training providers will be given the opportunity to develop meaningful measures of student experiences and outcomes.
- F). Description of the Process to Monitor Progress:**
The Maine Department of Labor, Bureau of Employment Services will be the entity responsible to implement and monitor the goals and action plans outlined in this request. The BES maintains primary responsibility to meet the goals identified in this plan within the timeframes as established.
- G). Opportunity for Local Boards to Comment on Waiver Request:**
The Bureau of Employment Services met with the four local board directors on April 10, 2009 and discussed the specific contents of this waiver request. Given that the local areas had routinely initiated a request for a waiver to extend the timeframe for initial eligibility, they unanimously support the contents of the waiver plan.
- H). Public Comment on This Waiver Request:**
While there has been formal effort to solicit public input for this waiver request, the concerns that this request addresses have been the subject of local and state workforce board meetings that are open to the public.

**Maine Dept. of Labor
American Recovery and Reinvestment Act 2009
Youth Summer Jobs Program**

Request for New Waiver

Request to Waive Procurement Requirements for the Youth Summer Jobs
Program Providers under ARRA.

The Maine Department of Labor (MDOL), the State of Maine's administrator for the Workforce Investment Act (WIA) and the American Recovery and Reinvestment Act (the Recovery Act) is submitting this waiver request related to procurement requirements for youth services listed in WIA section 123, for approval from the U.S. Department of Labor (USDOL). This waiver has two parts and is being requested for use under the Recovery Act for the summer work experience component only.

1. A waiver to allow Local Workforce Investment Boards (LWIBs) to expand existing competitively procured contracts by a percentage equal to the percentage increase in the total allocation from the State.
2. A waiver to conduct a limited competition to choose providers of youth services.

The Bureau of Employment Services (BES) of MDOL met with the four Maine LWIB on April 7, 2009 to discuss the need to procure providers to implement the summer youth employment program. The LWIB Directors expressed concerns over the very short timeframe to develop and implement a full Request for Proposals (RFP) and requested this request be submitted on their behalf, with the flexibility of choosing one of the above options. MDOL is requesting this waiver in order to support Maine's LWIBs in their efforts to quickly implement the procurement process so summer youth enrollment and placement into work experiences may begin in a timely manner.

This waiver request is being submitted in the format identified in WIA section 189(i)(4)(B) and WIA Regulations 661.420(c).

A). Statutory Regulations to be Waived:

We request that WIA sections 117(d)(2)(B) and 123, and WIA Regulations 20 CFR 664.410 be waived to allow the LWIBs options in competitively selecting service providers for the Recovery Act summer youth programming. We request that this waiver be approved as quickly as possible so that Maine can provide the LWIBs with guidance to assist them to successfully implement a Recovery Act summer youth employment program within a limited time frame.

B). Goals to be Achieved as a Result of the Waiver:

1. Improve and expedite youth service procurement by increasing the flexibility in the procurement laws and policies
2. Efficiently implement the Recovery Act summer youth program in a timely manner

C). State or Local Statutory or Regulatory Barriers:

There are no known state or local statutory or regulatory barriers to implementing this waiver. The BES will assure that state and local procurement laws and policies are followed. These will be detailed in guidance provided to the LWIBs.

D). Description of the Waiver Goal and Programmatic Outcomes:

In some rural areas of Maine there are not sufficient providers of youth services to select one competitively. In other areas the LWIB would like to utilize current service providers due to a strong history of success in WIA programming and a lack of sufficient time for an effective procurement process.

In addition, two of Maine's four LWIBs are just completing an extensive competitive procurement process for WIA adult, dislocated worker and youth comprehensive service providers.

Therefore we request this flexibility in expediting procurement for the summer program beginning May 1, 2009. If approved, this waiver would be for the youth summer employment program only.

E). Description of Individuals Affected by the Waiver

This waiver, if approved, will streamline the service provider procurement process, resulting in earlier enrollment of disadvantaged youth into the summer program under the Recovery Act.

F). Description of the Process to Monitor Progress in Implementing the Waiver:

The BES will be responsible for monitoring the implementation of the waiver. Prior to the submission of the waiver request, each of Maine's four LWIBS were informed of the BES intent via an email with this waiver request attached. The LWIBs unanimously supported the submission of this waiver. If this waiver request is granted, the BES will incorporate this waiver into a policy issuance that will be immediately distributed to the LWIBs. The LWIBs will be required to individually justify their need for a waiver through the following criteria.

1. Review local policy that provided justification of a particular service provider
2. Review the public notice and/or Request for Proposals (RFP)
3. Ensure the selection of a particular service provider was justified either through the limited competition or through the expansion of existing competitively procured contracts.

The BES will then monitor the implementation of the waiver.

G). Opportunity for Local Workforce Investment Boards to Comment on Waiver Request:

The BES informed all LWIBs of this waiver request via an email memorandum with the request attached. A 5-day comment period from the date of the email notification allowed the LWIBs an opportunity for comment. The BES will follow up with guidance on implementation to those LWIBs that decide to use a waiver. On April 9, 2009, the Maine Jobs Council, Maine's State Workforce Investment Board, approved the submission of this waiver.

H). Public Comment on this Waiver Request:

A 5-day comment period will begin with the publication of this waiver request on Maine's Recovery Act website. <http://www.maine.gov/recovery/>

As indicated by Recovery Act transparency provisions, Maine will publicly announce summer employment providers. The State of Maine has a website devoted to The American Recovery and Reinvestment Act of 2009. It enables the public to see information about the process as it unfolds, and to serve as the portal to track how funds are being used in Maine.
<http://www.maine.gov/recovery/>

Information on youth summer employment will be posted on the State website and the Maine DOL CareerCenter website. Additionally, each LWIB will be responsible for posting local information on their websites.

**Maine Dept. of Labor
American Recovery and Reinvestment Act 2009
Youth Summer Jobs Program**

Request for New Waiver

Request to Waive WIA Performance Standards and Use Only the Work
Readiness Indicator for Youth Age 18 through 24 Who Participate in Work
Experience Outside the Summer Months under ARRA.

The Maine Department of Labor (MDOL), the State of Maine's administrator for the Workforce Investment Act (WIA) and the American Recovery and Reinvestment Act (the Recovery Act) is submitting this waiver request related to youth activities in WIA Chapter 4 section 129 for approval from the U.S. Department of Labor (USDOL). This waiver is being requested for use under the Recovery Act for the summer work experience component only.

The waiver request is to allow Local Workforce Investment Boards (LWIBs) to use only the Work Readiness Indicator for youth age 18 through 24 who participate in work experience outside the summer months.

The Bureau of Employment Services (BES) of MDOL met with the four Maine LWIB on April 7, 2009 to discuss the parameters of the summer youth employment program under the Recovery Act. The LWIB Directors expressed concerns over the potential for a detrimental effect on WIA program performance if youth are carried past the end of the summer program and are then subject to the WIA Performance Measures. They requested this request be submitted on their behalf as an option for use when warranted with individual youth. MDOL is requesting this waiver in order to support Maine's LWIBs in their efforts to effectively provide needed services to hard to serve youth without jeopardizing performance outcomes.

This waiver request is being submitted in the format identified in WIA section 189(i)(4)(B) and WIA Regulations 661.420(c).

A). Statutory Regulations to be Waived:

We request that WIA section 136(b)(2)(A) and WIA Regulations 20 CFR 664.620 be waived to allow the LWIBs to appropriately serve youth for up to six months beyond the summer program, beginning October 2009 and ending March 2010, and establish a work readiness performance outcome. We request that this waiver be approved as quickly as possible so that the BES can provide the LWIBs with guidance to assist them to successfully implement a Recovery Act summer youth employment program within a limited time frame.

B). Goals to be Achieved as a Result of the Waiver:

1. Provide additional high quality service to youth needing work experience beyond the summer program
2. Reduce the potential for a negative impact on performance outcomes when serving appropriate youth beyond the summer program.

C). State or Local Statutory or Regulatory Barriers:

There are no known state or local statutory or regulatory barriers to implementing this waiver.

D). Description of the Waiver Goal and Programmatic Outcomes:

The goal of this waiver is to prevent a negative effect on program performance in the course of attempting to provide continued service to appropriate youth.

E). Description of Individuals Affected by the Waiver

This waiver, if approved, will allow continued service to appropriate youth in need of extra work experience prior to obtaining a job, entering further training or entering military service.

F). Description of the Process to Monitor Progress in Implementing the Waiver:

If this waiver request is granted, the BES will incorporate this waiver into a policy issuance that will be immediately distributed to the LWIBs. The LWIBs will be required to justify their need for a waiver. The BES will then monitor the implementation of the waiver as part of Recovery Act oversight and monitoring.

G). Opportunity for Local Workforce Investment Boards to Comment on Waiver Request:

The BES informed all LWIBs of this waiver request via an email memorandum with the request attached. A 5-day comment period from the date of the email notification allowed the LWIBs an opportunity for comment. The BES will follow up with guidance on implementation to those LWIBs that decide to use a waiver. On April 9, 2009, the Maine Jobs Council, Maine's State Workforce Investment Board, gave support to the submission of this waiver.

H). Public Comment on this Waiver Request:

A 5-day comment period will begin with the publication of this waiver request on Maine's Recovery Act website. <http://www.maine.gov/recovery/>

As indicated by Recovery Act transparency provisions, Maine will publicly announce summer employment providers. The State of Maine has a website devoted to The American Recovery and Reinvestment Act of 2009. It enables the public to see information about the process as it unfolds, and to serve as the portal to track how funds are being used in Maine.
<http://www.maine.gov/recovery/>

Information on youth summer employment will be posted on the State website and the Maine DOL CareerCenter website. Additionally, each LWIB will be responsible for posting local information on their websites.

**Maine Dept. of Labor
American Recovery and Reinvestment Act 2009
Youth Summer Jobs Program**

Request for New Waiver

**Request to Waive Three Service Requirements for the Youth Summer Jobs
Program under ARRA**

The Maine Department of Labor (MDOL), the State of Maine's administrator for the Workforce Investment Act (WIA) and the American Recovery and Reinvestment Act (the Recovery Act) is submitting this waiver request related to service requirements for youth services listed in WIA Chapter 4 Section 129, for approval from the U.S. Department of Labor (USDOL). This waiver has three parts and is being requested for use under the Recovery Act for the summer work experience component only.

1. A waiver to allow Local Workforce Investment Boards (LWIBs) to determine which program elements to provide.
2. A waiver to allow LWIBs to determine the extent of follow-up services.
3. A waiver to allow LWIBs to determine the appropriate types of assessment and individual service strategies.

The Bureau of Employment Services (BES) of MDOL met with the four Maine LWIBs on April 7, 2009 to discuss the design of the ARRA Summer Youth Employment Program. The LWIB Directors expressed concerns over the very short time frame to serve youth with ARRA funds in the summer of 2009 and requested this request be submitted on their behalf, with the flexibility of choosing one or all of the above options. MDOL is requesting this waiver in order to support Maine's LWIBs in their efforts to provide quality youth services.

This waiver request is being submitted in the format identified in WIA section 189(i)(4)(B) and WIA Regulations 661.420(c).

A). Statutory Regulations to be Waived:

We request that WIA section 129(c)(1) and WIA Regulations 20 CFR 664.405 be waived to allow the LWIBs options in program design to make the best use of funds. We request that this waiver be approved as quickly as possible so that Maine can provide the LWIBs with assistance in successfully implementing a Recovery Act summer youth employment program within a limited time frame.

B). Goals to be Achieved as a Result of the Waiver:

This waiver will allow use of Recovery Act funds expediting services to youth for summer employment by:

1. Allowing flexibility in providing all 10 WIA required elements by targeting appropriate elements specific to the needs of each youth
2. Allowing flexibility in providing appropriate follow up services to each youth
3. Allowing flexibility in providing the type of assessment and individual service strategy appropriate to each youth.

C). State or Local Statutory or Regulatory Barriers:

There are no known state or local statutory or regulatory barriers to implementing this waiver. The BES will assure that state and local policies are followed.

D). Description of the Waiver Goal and Programmatic Outcomes:

Due to the short timeframe for developing, implementing and completing the summer youth employment program under the 2009 Recovery Act and the single required work readiness outcome for youth, Maine requests this waiver to provide flexibility in service delivery.

The LWIBs will be assisted and expected to maintain structure and high service quality around all services provided. If approved, this waiver would be for the youth summer employment program only.

E). Description of Individuals Affected by the Waiver

This waiver, if approved, will streamline the summer youth employment program and result in more effective and efficient enrollment and participation of disadvantaged youth ages 14 through 24 into the summer program under the Recovery Act.

F). Description of the Process to Monitor Progress in Implementing the Waiver:

If this waiver request is granted, the BES will incorporate this waiver into a policy issuance that will be immediately distributed to the LWIBs. The LWIBs will be asked to explain their need for using this waiver.

The BES will then monitor the implementation of the waiver through desktop and field evaluations:

1. Review local policy and practice for providing services to youth
2. Monitor service provision
3. Ensure youth are receiving timely and appropriate services.

G). Opportunity for Local Workforce Investment Boards to Comment on Waiver Request:

The BES informed all LWIBs of this waiver request via an email memorandum with the request attached. A 5-day comment period from the date of the email notification allowed the LWIBs an opportunity for comment. The BES will follow up with guidance on implementation to those LWIBs that decide to use a waiver. On April 9, 2009, the Maine Jobs Council, which is Maine's State Workforce Investment Board, supported the submission of this waiver.

H). Public Comment on this Waiver Request:

As indicated by Recovery Act transparency provisions, a 5-day comment period will begin with the publication of this waiver request on Maine's Recovery Act website. <http://www.maine.gov/recovery/>

The State of Maine has a website devoted to The American Recovery and Reinvestment Act of 2009. It enables the public to see information about the process as it unfolds, and to serve as the portal to track how funds are being used in Maine. <http://www.maine.gov/recovery/>

Information on youth summer employment will be posted on the State website and the Maine DOL CareerCenter website. Additionally, each LWIB will be responsible for posting local information on their websites.